

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JIMMY SCOTT ELKINS, ) Civil Action No. 7:12-cv-00133  
Petitioner, )  
 ) ORDER  
v. )  
 ) By: Hon. Michael F. Urbanski  
WISE COUNTY, VA, ) United States District Judge  
Respondent. )

In accordance with the written Memorandum Opinion entered this day, it is hereby

**ORDERED**

that petitioner's petition for writ of habeas corpus, pursuant to 28 U.S.C. §2254, is **DISMISSED** **without prejudice** for failing to exhaust state court remedies; petitioner's motion to proceed in forma pauperis is **DENIED as moot**; a certificate of appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this Order and the accompanying Memorandum Opinion to petitioner.

Entered: March 22, 2012

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge